

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

RICHARD J. MCCLINTON,

Plaintiff,

v.

**COGENCY GLOBAL, INC.,
d/b/a CAPSTONE LOGISTICS,
LLC,**

Defendant.

Case No.: 2:20-cv-543-AMM


ORDER

This case is before the court on a motion to strike by Defendant Cogency Global, Inc. d/b/a Capstone Logistics, LLC (“Capstone”). Doc. 77. Capstone asserts that Plaintiff Richard McClinton’s amended brief in response to summary judgment, Doc. 75, must be stricken because it violates the initial order, Doc. 21. It is clear from the court’s review of Mr. McClinton’s original brief, Doc. 71, his amended brief (which he filed without leave), Doc. 75, and his response to the order to show cause, Doc. 80, that he did not read the initial order—particularly the requirement in that order about the format of citations in briefs on dispositive motions. *See* Doc. 21 at 17 (“All statements of fact, in all sections of the brief, must be supported by specific reference to the CM/ECF document and page number of the evidentiary submission.”)

Because Mr. McClinton's amended brief did not comply with the initial order, the motion to strike, Doc. 77, is **GRANTED** and Mr. McClinton's amended brief, Doc. 75, is **STRICKEN**. Mr. McClinton is **ORDERED** to file a second amended brief within fourteen days of the date of this order. In the second amended brief, all citations to the record must be made by reference to the CM/ECF document and page number of the evidentiary submission (which document and page number are stamped at the top of each page in the record, *e.g.*, "Doc. 21 at 17"). The second amended brief must also omit paragraph 45 on page 14 and paragraph 101 on page 23. The second amended brief must contain no other alterations.

The motion to strike also concerns two exhibits Mr. McClinton attached to his original brief: Exhibits J and K. Docs. 71-1, 71-2. Mr. McClinton did not attach those exhibits to his amended (operative) brief, so they are not properly before the court. In any event, if Mr. McClinton intended to attach those exhibits to his amended brief, those exhibits are **STRICKEN** on the ground that they were an attempt to circumvent applicable page limitations, which limitations had already been extended.

DONE and **ORDERED** this 15th day of July, 2022.


ANNA M. MANASCO
UNITED STATES DISTRICT JUDGE